

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Clyde Dial, Jr

Docket No. 7:02-CR-90-1F

Petition for Action on Supervised Release

COMES NOW Mark Culp, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Clyde Dial, Jr, who, upon an earlier plea of guilty to Distribution of at Least 5 Grams of Crack Cocaine (Base) in violation of 21 U.S.C. § 841(a)(1) and Possession of Firearms by a Convicted Felon in violation of 18 U.S.C. § 922(g)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on March 17, 2003, to the custody of the Bureau of Prisons for a term of 176 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Clyde Dial Jr was released from custody on December 9, 2014, at which time the term of supervised release commenced.

As a result of testing positive for marijuana on April 7, 2015, April 17, 2015, and May 11, 2015, the defendant was ordered to serve one weekend in jail. A violation report was submitted to the court reporting the defendant had submitted a urine sample on May 20, 2015, that was positive for marijuana use. An additional violation report was submitted to the court reporting the defendant had submitted a urine sample on June 5, 2015, that was positive for marijuana use.

On August 11, 2015, and August 24, 2015, the defendant submitted urine samples that were returned positive for the use of marijuana. A Motion for the Revocation was submitted to the court and a warrant was issued for the defendant. The defendant appeared before the Honorable James C. Fox on November 5, 2015, for the purpose of a Revocation of Supervised Release Hearing due to illicit drug use. The court ordered that the defendant be continued on supervision.

On April 18, 2016, this defendant submitted a urine sample which tested positive for marijuana. When confronted with the results on May 24, 2016, the defendant admitted to the use and signed an admission form. The court ordered that the defendant complete 2 days in the custody of the Bureau of Prisons.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: This defendant submitted a urine sample on July 19, 2016, which tested positive for marijuana. When confronted with the results on August 2, 2016, the defendant accepted responsibility for his actions. The defendant is currently compliant with both substance abuse counseling and the surprise urinalysis program. At this time, this office would recommend a sanction of 90 days of curfew monitored electronically. The defendant was also notified that any further violations would result in his being returned before the court.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Mark Culp
Mark Culp
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2543
Executed On: August 2, 2016

ORDER OF THE COURT

Considered and ordered this 4th day of August, 2016 and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge